

Zoning Board of Appeals FAQ's

◊ How do I start the Zoning Board of Appeals Petition process?

Please contact the Building Department first.

◊ Why doesn't the Petitioner start with the ZBA office?

Your first step in the process of obtaining a Building Permit starts with visiting the Building Department. As the Zoning Enforcement Officers, the Building Commissioner and Building Inspector determine when a project requires approval from the Zoning Board of Appeals. The ZBA office will guide you through the process once your proposal has been referred to the ZBA.

◊ When are ZBA Public Hearings held?

Public Hearings of the Zoning Board of Appeals are normally held on the second and fourth Wednesday of each month at 6:00 P.M. at Mashpee Town Hall, 16 Great Neck Road North, and are open to the public.

◊ What is the next step after filling out Petition forms?

The Petitioner must complete Petition forms in triplicate and file them (date stamp) with the office of the Town Clerk. The Petitioner leaves one Petition form with the Town Clerk and delivers to the ZBA office the other two date- stamped Petition forms, along with all other required documentation and the Petition fee.

◊ Where can I find Petition forms and other pertinent information?

All documents are available in the ZBA office and the Building Department.

◊ What are the fees for Petitions?

\$125.00 for residential Petitions and \$250.00 for commercial Petitions.

◊ When is the Petition scheduled for a Public Hearing?

The ZBA office must schedule a Public Hearing within 65 days from the time the Petition is filed with the Town Clerk.

◊ How does the Petition get advertised in the newspaper?

The ZBA office arranges for notice to be published in the Mashpee Enterprise at least two weeks in advance of the Public Hearings for two consecutive weeks.

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◊ Who notifies the abutters?

The ZBA office requests and receives from the Assessing Department a certified list of abutters. The ZBA office mails a copy of the Public Hearings Notice to the abutters. The Petitioner will be billed \$2.00 per abutter plus an Assessing Department preparation fee. Zoning Board of Appeals FAQ's

◊ What happens at the Public Hearings?

The Petitioner and/or Agent must attend the Public Hearings in order to represent the Petition. Occasionally, the Petition must be continued to allow the Board time to conduct research or to allow the Petitioner an opportunity to receive approval from other Town Boards, Committees, Departments.

◊ Who serves on the Zoning Board of Appeals?

Appointed by the Board of Selectmen, each member serves as a volunteer and is a resident of Mashpee. Current ZBA Board Members:

- Jonathan D. Furbush, Chairman
- William A. Blaisdell, Vice Chairman
- Ronald S. Bonvie, Clerk
- Domingo DeBarros, Board Member
- Scott Goldstein, Board Member
- Bradford H. Pittsley, Associate Member
- Norman J. Gould, Associate Member

◊ Are the abutters notified of the status of the Board's decision?

Once the Board renders a Decision, the ZBA office has fourteen (14) days in which to file the Decision with the Town Clerk. After the Decision has been filed with the Town Clerk, the ZBA office mails a Notice of Decision to the abutters.

◊ Why does the Petitioner have to wait 21 days for a Certified Copy of the Decision?

Massachusetts General Laws Chapter 40A requires a 20-day appeal phase. This law is designed to provide any person aggrieved by a Decision of the Zoning Board of Appeals the opportunity to Appeal such Decision. The 20-day appeal phase starts when the ZBA office files the Decision with the Town Clerk.

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- ◊ **If there is no Appeal within the 20-day appeal phase, from whom does the Petitioner receive a certified copy of the Decision?**

The office of the Town Clerk.

- ◊ **Why does the Petitioner need a certified copy of the Decision?**

In order to apply for a Building Permit, the Petitioner must record a certified copy of the Decision at the Barnstable County Registry of Deeds. It is the responsibility of the Petitioner to record a certified copy at the Barnstable County Registry of Deeds. Zoning Board of Appeals FAQ's

- ◊ **When is the Decision effective?**

The Decision is effective as soon as the certified copy is recorded at the Barnstable County Registry of Deeds. However, the effective date of the Decision is the date on which the Board renders its Decision. Special Permits shall lapse after two years and Variances and Written Findings shall lapse after one year, unless substantial use or construction has commenced or applications for extensions have been filed with the ZBA prior to the expiration date. The Zoning Enforcement Officer has the authority to define 'substantial use or construction'.

- ◊ **How do I file for a Building permit?**

Proof of the recoding at the Barnstable County Registry of Deeds ALONG with the completed Building Permit Application Form(s) must be submitted to the Building Department for review. After reviewing the Building Permit Application Form(s), the Building Department will notify the Applicant as soon as the Building Permit is issued.